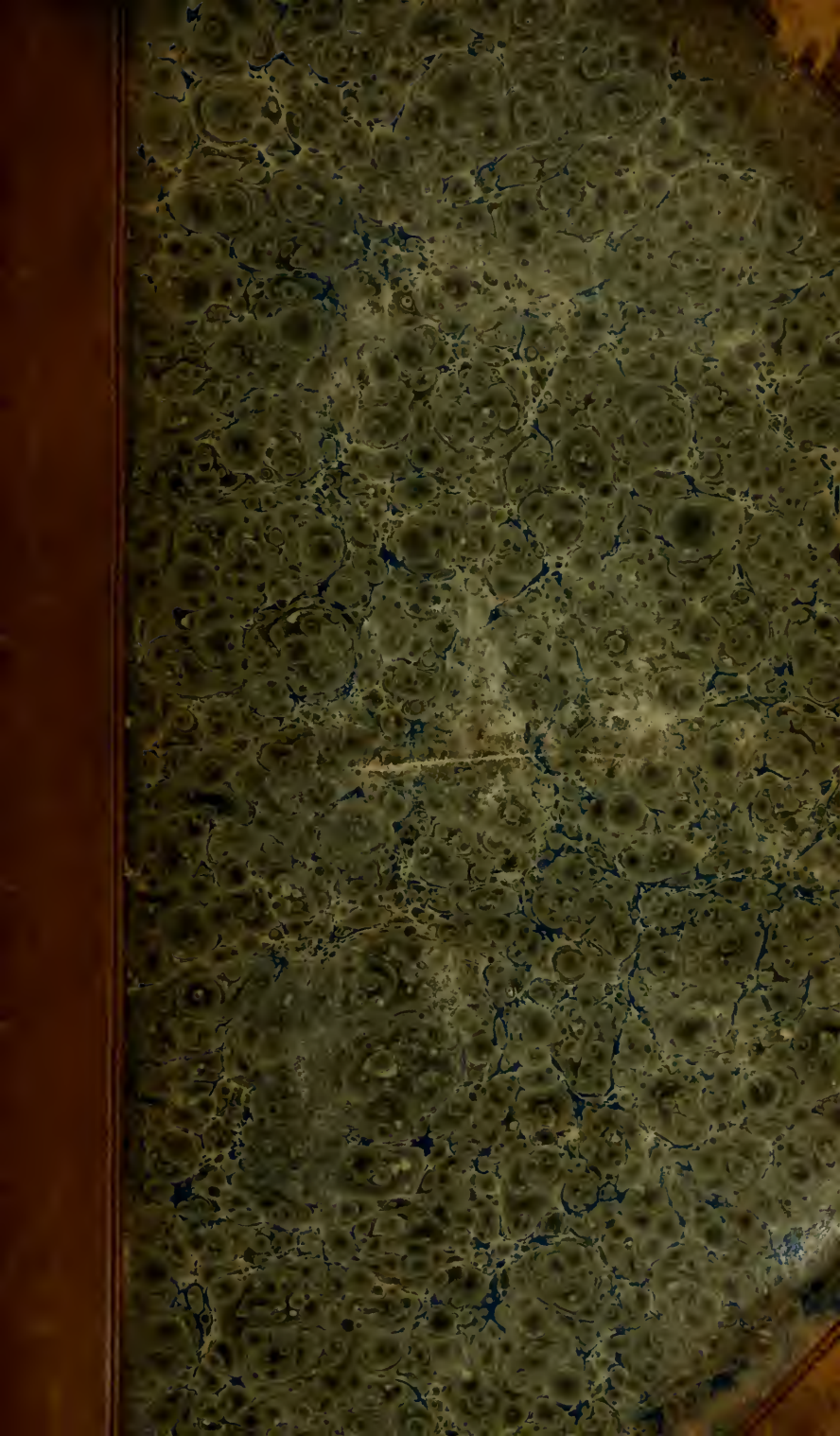
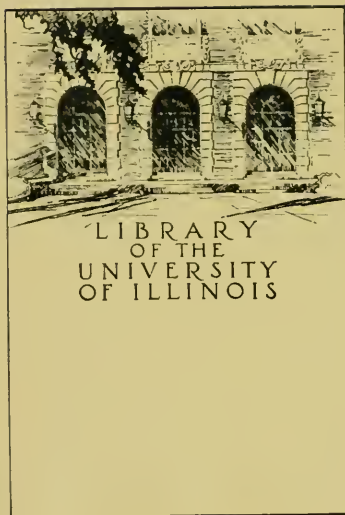






THE CASE OF THE REV. MR. SHORE.

A L E T T E R

TO

HIS GRACE

THE ARCHBISHOP OF CANTERBURY,

BY

HENRY, LORD BISHOP OF EXETER.

L O N D O N :

JOHN MURRAY, ALBEMARLE STREET.

1849.

LONDON:

Printed by WILLIAM CLOWES and Sons,
Stamford Street.

A L E T T E R,

§c. §c.

MY LORD ARCHBISHOP,

Bishopstowe, March 28, 1849.

THE great excitement which has been caused by the case of the REV. JAMES SHORE, and the introduction into the House of Commons of a Bill, which is likely soon to reach the Upper House, in consequence of that excitement, have made me deem it expedient to state publicly the real facts of the case itself; and I know not any more proper mode of executing this purpose, than by making the statement, as your Grace has permitted me to do, in this public letter addressed to my Metropolitan.

Before, however, I commence this statement, I rejoice to be able to say that your Grace, as well as myself, is entirely disposed to favour and support any well-considered measure (as the Bill now before the House of Commons must be expected to be) for relieving any Clergyman who, after he has been admitted to Holy Orders in the Church, shall conceive conscientious scruples against a continuance in its communion. So far indeed from wishing to chain to the service of the altar any whose conscience bids them renounce that service, the true Churchman would urge them, rather, quietly to withdraw, than to persist in the performance of offices which they can no longer perform

without peril to their own souls, and a serious offence to the souls of others.

I have myself, on more than one occasion, acted on this principle, and I have had the satisfaction of receiving from the parties concerned an earnest expression of their thankfulness for the kindness and forbearance with which I parted from them.

If Mr. Shore had testified a similar feeling of conscientious objection to a continuance in our Communion, he would have experienced from me a similar respect for his feelings, and a similar desire to afford every facility to his departure.

That very different was the nature of his case, and very different the duty imposed by it on myself, will, I think, be manifest from the facts which, without further preface, I proceed to narrate.

But, in order to a clear understanding of the matters which relate specially to Mr. Shore, it is necessary that I first explain at some length the position which he occupied, and which brought him within the indispensable exercise of the discipline of the Church. If this cannot be done without stating facts which may be deemed to affect a nobleman of the highest rank, of advanced age, and now unfortunately in very impaired health, while I lament the necessity, I have the satisfaction of knowing that it has been imposed upon me by the proceedings of others.

In the summer of the year 1832, his Grace the Duke of Somerset requested me to meet him at Bridgetown, a hamlet of the parish of Berry Pomeroy, recently made part of the borough of Totness, in which his Grace had much improved the size and quality of the houses, and had erected a building designed to be its Church. The Duke was desirous of knowing what

must be done in order to his obtaining the consecration of the building.

I informed his Grace that the object might be effected in one of two ways; either by the building being made a chapel-of-ease to the church of Berry Pomeroy, or by its being endowed as the chapel of a district to be taken out of the parish: that in the former case, the duty of providing for the service of the chapel, and the consequent right of nominating the minister, would belong to the vicar; but that in the latter case, the Duke might acquire the right of patronage by making an endowment.

His Grace, having first expressed his fixed resolution to take such a course as should secure to himself the right of nominating the minister, declined coming to an immediate decision respecting the endowment to be made for that purpose; but he shortly afterwards instructed his solicitor, Mr. Maberley, to communicate with my secretary, Mr. Barnes, who was duly authorized on my part.

The following are the main particulars of the correspondence which ensued between those gentlemen.

Extracts from Correspondence previous to the Bishop granting his Licence for the Opening of Bridgetown Chapel.

No. 1.

Mr. Maberley to Mr. Barnes.—August 18, 1832.

I am directed by the Duke of Somerset to put myself in communication with you on the subject of the Consecration of the Chapel lately built by his Grace at Bridgetown. His Grace has made known to me the very satisfactory interviews that have taken place between the Bishop and him, and his Grace's conviction that the Bishop and yourself are disposed to facilitate his views, so far as may consistently be done.

The Duke was not aware, I find, that it would be necessary for him, in order to consecration and licence, to establish an *endowment to such extent* as seems necessary. The Duke is, as you are aware, the patron of the living, and a *firm friend of the Church Establishment*, nor do I think it at all likely that the chapel would ever go out of his family. Under these circumstances I confess that I *am inclined to recommend* his Grace to keep his new building, at any rate for the present, *as a proprietary chapel*. I believe, but in this you can set me right, that all that will be required *in such case* will be for his Grace to *request a licence of the Bishop for the minister* who may officiate, and *that the Incumbent of the Parish give his sanction*.

No. 2.

Mr. Barnes to Mr. Maberley.—August 27, 1832.

Has consulted the Bishop on the subject.

“The Duke may, perhaps, be under the impression that a larger endowment was required than the Bishop would deem necessary for consecration. The Bishop, considering the liberal intention of his Grace with regard to the ultimate provision for the minister, would only consider it necessary to require to have legally secured on land, or money charged or secured on land, or money in the funds, a stipend of 50*l.* a year.

“The Bishop, on hearing your proposal to license the chapel, at present only as a proprietary chapel, desires me to say that *he has a strong disinclination to a licence of that description*. The Bishop hopes that the Duke will be able to make at once an arrangement satisfactory to himself for endowment and consecration.”

No. 3.

Mr. Maberley to Mr. Barnes.—August 31, 1832.

Refers to the Statute 1 & 2 Wm. IV. cap. 38.

“I apprehend that *the sole objects of the Duke are, to have the chapel consecrated, to retain the sole patronage, and to give a competent stipend* by pew-rents or OTHERWISE, or both, to the minister for the time being. I am well assured that in the attainment of these objects his Grace is most anxious to pursue the course which the interests of the Establishment most require, and consequently of which the Bishop should approve.”

No. 4.

Mr. Barnes to Mr. Maberley.—September 8, 1832.

Refers to the Statute 1 & 2 Wm. IV. as not applicable to the case, unless through the Church Building Commissioners. “The Bishop, however, looks only to the endowment mentioned, and is ready to do everything that may be in his power to carry into effect the purposes of the Duke, as expressed by you.”

No. 5.

Mr. Maberley to Mr. Barnes.—September 14, 1832.

I begin to apprehend that the *mutual objects of the Duke of Somerset and the Bishop* will not be attainable but through the Church Building Commissioners. It will require some consideration to determine what proposition to lay before them. It may also turn out that the Duke's apprehension of its being necessary to let a twelve-month to go round is well founded; and this would be much waste of time, and the chapel is ready, I believe. It seems to me also, that it might assist the Duke in determining definitively what he may be inclined to do, relative to the endowment, &c., if an experiment could be first made how the chapel is likely to answer. Under these considerations, I would beg to suggest whether it would be better to request of the Bishop in the first instance a licence, as if it were a proprietary chapel only, which need not by any means imply thereby that the idea of endowment and consecration is abandoned. The opening of the chapel in this way will, in the course of a few months, probably enable the Duke to judge what may be the best arrangement to propose for the ultimate adjustment.

No. 6.

Mr. Barnes to Mr. Maberley.—September 19, 1832.

The Bishop directs me to say that the Duke of Somerset having stated his wish and purpose to endow the chapel, and convey the same for consecration, the Bishop will license the chapel till that purpose can be conveniently carried into effect.

“It is only necessary that the Duke should sign a petition, and *I will draw a form and send to you.*”

Asking for a plan of the chapel, and *to be assured that the Duke is seised in fee.*

No. 7.

Mr. Maberley to Mr. Barnes.—September 19, 1832.

Since my last, circumstances have come to my knowledge which confirm the opinions I then expressed as to the most advisable course to pursue, under present circumstances, with respect to Bridgetown chapel. I understand that great inconvenience will arise from delay in the opening, particularly as the clergyman, the Rev. J. Shore, has left his curacy, and is already settled in Bridgetown. The Duke was much pleased at the satisfaction expressed by the Bishop, and his Grace is thoroughly aware that the Bishop is disposed to do all he can to promote the early opening. I am informed that you must be mistaken in supposing that there are no licensed chapels in the diocese. I am told there is one at Dartmouth, and elsewhere. In the present case we do not look to the chapel remaining permanently thus; *on the contrary, we trust to be able to procure the consecration on regular endowment.*

No. 8.

Mr. Maberley to Mr. Barnes.—September 22, 1830.

Acknowledges receipt of letter of the 19th.

I write, however, in consequence of some expressions in your letter, and to prevent all possibility of any future misunderstanding, unlikely as it may be to arise.

I think that the communication of the Bishop's consent to license is accompanied by words from you that, if unqualified and unexplained, would amount to an implied engagement on the part of the Duke, *at all events, and under any circumstances, and with whatever inconvenience attended*, still peremptorily to endow and convey the chapel for consecration. As the Duke is a man who would be scrupulous, to the letter, in the performance of *every iota of what he could be considered* either directly or *by implication to have engaged* for, it becomes the more necessary for me to take care that his Grace does not lay himself under obligations calculated by any possibility to bring him into a dilemma. It is his Grace's *most serious and determined intention and wish* to do his best, through the medium of the Church Commissioners, or otherwise, to procure the consecration of his chapel and to make for it a permanent regular endowment of proper amount. *With the expression of this intention the Bishop will, I doubt not, knowing his Grace's attachment to the Establishment, feel satisfied and rest content.* But it is possible that

there may be impediments—unlooked-for requisitions—objections made—interference with patronage—or the like, that may make it unadvisable in the view of his Grace, or of any reasonable man, to proceed to the conveyance and consecration, and may rather induce his Grace to wish to wait till some further legislative regulations afford better facilities, or remove difficulties, that may, in the present state of the laws, exist. I must therefore claim for his Grace a discretion in these matters beyond what your words convey. That the Bishop is content that the Duke should have this, I do not doubt, nor do I think that you meant to imply the contrary; but if you read again your words, I think you will find that the QUALIFICATION is necessary which I have taken the liberty to make.

I will send you the plan, &c., as soon as I receive it, and shall be obliged by the form of petition you propose to send me.

I am, Sir, your very obedient and humble servant,
JOSEPH MABERLEY.

Endorsed on this letter, in the Bishop's own hand:—

“I am content to license the building on the declaration in this letter.—H. E.”

No. 9.

Mr. Barnes to Mr. Maberley.—September 26, 1832.

Has consulted the Bishop on the letter of the 22nd.

“The Bishop's authority, as stated in my letter of the 19th, was founded correctly, as his Lordship thinks, on the previous communications; but the Bishop, on perusing your letter, authorises me to say, that he is content to license the building *on the declaration therein contained.*”

THE PETITION.

To the Right Reverend Father in God, HENRY, by divine permission
Lord Bishop of Exeter.

The petition of the most noble Edward Adolphus, Duke of Somerset. WHEREAS I, the said Duke, *have lately erected* in my manor of Bridgetown, within the parish of Bury Pomeroy, in your Lordship's diocese of Exeter, *a building designed for a chapel for religious worship* according to the rites and ceremonies of the *United Church of England* and Ireland, and have fitted up the same with reading-desk, pulpit, communion table, and convenient

pews and seats, calculated to accommodate with sittings above seven hundred persons, and provided with Bible, Book of Common Prayer, and all other things necessary for the due performance of Divine Service; and the ground-plot of the said intended new chapel is laid down in the plan hereto annexed, identified by my signature; and it is *my intention to provide a permanent endowment for a minister to serve the said chapel; and as soon as such endowment can be settled to your Lordship's satisfaction, to give and grant the site of the said building for the purpose of the same being consecrated as and for a chapel for religious worship according to the rites and ceremonies of the United Church of England and Ireland*: Now being desirous of supplying accommodation for the inhabitants of the said parish to attend the performance of Divine Service in the said intended chapel, which is conveniently situated for a considerable portion of the population who are at a distance from the parish church, I request that your Lordship will be pleased to grant your licence for the performance of Divine Service in the said intended chapel according to the rites and ceremonies of the United Church of England and Ireland: and I *do hereby engage that if your Lordship shall think fit to grant such your licence, the said intended chapel shall be set apart and appropriated exclusively for that purpose.*

Witness my hand this 28th day of October, in the year of our Lord 1832.

(Signature) "SOMERSET."

Plan annexed.

(Signed) "SOMERSET."

The Bishop's Fiat Indorsed.

"Having personally inspected the building herein mentioned, and highly approving it, I hereby direct that the licence issue as prayed.

Nov. 2, 1832.

(Signed) "H. E."

THE LICENCE.

Henry, by divine permission Bishop of Exeter, greeting. WHEREAS, we have received a petition from the most noble Edward Adolphus, Duke of Somerset, setting forth that he had lately erected in his manor of Bridgetown, within the parish of Bury Pomeroy, in our diocese of Exeter, a building designed for a chapel for religious

worship according to the rites and ceremonies of the United Church of England and Ireland, and had fitted up the same with reading-desk, pulpit, communion table, and convenient pews and seats calculated to accommodate with sittings above seven hundred persons, and provided with Bible, Book of Common Prayer, and all other things necessary for the due performance of Divine Service ; and the ground-plot of the said intended new chapel is laid down in the plan annexed to the said petition, identified by the signature of the said Duke, and also copied in the margin of this our licence ; and that it is the intention of his Grace to provide a permanent endowment for a minister to serve the said chapel ; and *as soon as such endowment can be settled to our satisfaction to give and grant the site of the said building for the purpose of the same being consecrated as and for a chapel for religious worship* according to the rites and ceremonies of the United Church of England and Ireland ; and his Grace, being desirous of supplying accommodation for the inhabitants of the said parish to attend the performance of Divine Service in the said intended chapel, which is conveniently situated for a considerable portion of the population who are at a distance from the parish church, prayed that we would be pleased to grant our licence for the performance of Divine Service in the said intended chapel according to the rites and ceremonies of the United Church of England and Ireland ; and *His Grace thereby engaged that if we should think fit to grant such our licence, the said intended chapel should be set apart and appropriated exclusively for that purpose* : Now we, the said Bishop, having ourself visited and inspected the said intended new chapel, and being entirely satisfied of the fitness of the same for the purpose of a chapel, do by these presents as far as in us lies, and we lawfully can by the laws, canons, and constitutions of this realm, give and grant our licence or faculty that the said new chapel may be forthwith opened and used for the celebration of Divine Service according to the rites and ceremonies of the United Church of England and Ireland, *by a priest or minister in holy orders to be for that purpose licensed by us until we shall be enabled and shall think fit to consecrate the said chapel, or make some other order in this behalf.*

Given under our hand and episcopal seal this 9th day of November, in the year of our Lord 1832, and in the second year of our consecration.

No. 10.

Note from the Duke to Mr. Barnes.—November 11, 1832.

The Duke of Somerset sends his compliments to Mr. Barnes, and has duly received the Bishop of Exeter's licence for opening the new chapel at Bridgetown.

The foregoing Letters, the Petition of his Grace for a Licence of the Building for the purposes of Divine Worship, until Consecration should be obtained, and the Licence which was granted thereupon, show the conditions required by me as indispensable, and the engagement entered into by the Duke, in compliance with this requisition.

On the Licence especially it is right to remark, that the effect of it, taken in conjunction with the Duke's Petition, was to secure the perpetual appropriation of the building as a Chapel for the performance of Divine Service according to the rites of the Church of England; *unless the Duke should violate his engagement.* For the Duke bound himself to secure that point as the condition of the licence being granted; and this obligation did, in truth, extend even beyond his Grace's life, if he should die before Consecration.

This is not the form, either of the Petition or the Licence, which is used in the case of a building *not permanently pledged* as a place of Church Service. In such cases, the petitioner engages, that only *while it is so used* it shall not be used for any other purpose.

And this great security, insisted on by me, and given by the Duke in his petition, did also virtually ensure *endowment*—inasmuch as the Duke could not otherwise obtain a right to nominate the minister, which had been declared by him to be his great object.

In laying these matters before my Metropolitan, it is not necessary for me to tell your Grace, but it may be necessary for the information of others, that in all which I did and in all which I required, I only discharged a plain duty to the Church, and especially to the Incumbent of Berry Pomeroy, by thus taking care (*effectual* care, I hoped—and such as I should still be confident would be effectual in any similar case) that his spiritual rights, connected as they were with his highest duties, should be preserved inviolate; in other words, that no strange clergyman should be intruded into his parish, and establish a rival place of worship within it.

The licence of the building having thus been granted, the Rev. J. Edwards, vicar of Berry Pomeroy, at the request of the Duke of Somerset, nominated the Rev. James Shore, who was licensed accordingly, to perform Divine Service in the new building.

In 1834 Mr. Edwards died, and was succeeded by the *Rev. E. Brown*, on the presentation of parties who had purchased that turn from the Duke.

Mr. Brown, after a while, finding the chapel and hamlet of Bridgetown an unpleasant portion of his charge, consulted me on the expediency of effecting a separation; and, having obtained my consent, proposed to the patron, the Duke of Somerset, to contribute a part of the vicarial tithes of the parish towards the endowment of Bridgetown as a separate district. The Duke took time to consider this proposal; but two or three years afterwards, Mr. Michelmores, the Duke's steward, having first ascertained that Mr. Brown was willing to contribute all the vicarial tithes accruing within Bridgetown, to the amount of about 80*l.* per annum, stated to him that "it was the wish of the

Duke to ascertain whether the Bishop would accept this portion of tythes, to be given by the vicar, as a sufficient endowment for the purpose of consecration."

On this being communicated to me, I authorized Mr. Brown to announce my acceptance; but at the same time added, that if the endowment were made altogether out of the vicarial tithes, I could not consent to the nomination of the minister being taken from the vicar, to whom, of common right, it belonged; if, however, his Grace would augment the endowment with 70*l.* per annum, and give a house of residence, I would assent to the patronage being vested in the Duke. It may be right to say that the rectorial tithes of Bridgetown, the property of the Duke, as lay impropriator, were understood to amount to the sum thus required as the consideration for transferring the patronage to his Grace, who was also the proprietor of all, or almost all, of the houses and lands in Bridgetown. The proposition was submitted to the Duke in the following letter of Mr. Brown to Lord Seymour.

MY LORD,

Berry Pomeroy, August 6, 1841.

Mr. Michelmore having stated it to be the wish of his Grace the Duke of Somerset to ascertain whether the Bishop would consider the tithes of the manor of Bridgetown a sufficient endowment for the consecration of the chapel there, I have since had an interview with the Bishop on this subject.

His Lordship thus stipulates:—Should the chapel be consecrated as a district church, endowed *solely* with a portion of the *vicarial* tithes of the parish, the Bishop would require the patronage to be vested in the vicar; but if endowed with such tithes, conjointly with an endowment on the part of his Grace making up the sum of 150*l.* per annum, with a house for the minister, his Lordship would give his full consent to the proposed district church, and to the patronage remaining with his Grace the Duke of Somerset.

The interest which your Lordship appeared to take in my pro-

posal, while it constitutes my apology for thus troubling you, encourages me to hope that you will promote by your influence the attainment of so important and desirable an object.

I have the honour to be, my Lord, &c.

EDWARD BROWN,

The Right Hon. Lord Seymour.

Vicar of Berry Pomeroy.

To this letter Mr. Brown received an answer from Lord Seymour, stating that he must consult the Duke. Subsequently, Mr. Brown met his Lordship on this subject, by appointment, at Mr. Michelmores; but there was no result.

Such was the *only* proposal ever made to me for the endowment of the Duke's building at Bridgetown; and I have ascertained that no application whatever has been made to the Church Building Commissioners, "through the medium of whom, or otherwise," Mr. Maberley, in his letter, No. 8, had declared it to be "his Grace's most serious and determined intention and wish to do his best to procure the consecration of his chapel, and to make for it a permanent regular endowment of proper amount."

In 1843 Mr. Brown exchanged the vicarage of Berry Pomeroy for a benefice in another diocese, then holden by the Rev. W. B. Cosens.

When this change of incumbents occurred, it was found that, through the inadvertence of the Bishop's registrar, Mr. Shore, not having received a nomination from Mr. Brown, had remained without a licence during the whole of that gentleman's incumbency. Such an instance is of very rare occurrence—a fresh nomination of every assistant, and a new licence, being always required, and never intentionally dispensed with. The practice is necessary for the protection both of the incumbent and of the assistant; of the incumbent, that he may exercise his discretion in respect to the qualifica-

tions of the minister who is to act under him—of the assistant, that he may be secured against any subsequent arbitrary act of the incumbent, who may displace him, if he be not licensed, at any time, for any or no cause.

The same inadvertence did not occur on occasion of the institution of Mr. Cosens. Mr. Barnes wrote to Mr. Shore on the 15th of August, 1843, “to remind him, that on the change of incumbents a new nomination was required.” Mr. Shore not answering this letter, Mr. Barnes wrote to him again on the 29th, saying that unless the nomination was made, the Bishop would consider him as officiating without a licence, and might be obliged to take the proceedings which would be necessary in that case.

Mr. Shore answered on the 31st in the following terms :—

SIR,

Bridgetown, August 31, 1843.

I am sorry your former letter should have remained so long unanswered, but I have not yet had any opportunity of seeing Mr. Cosens on the business, he not being in residence, and I was anxious to have a personal interview with him; I was also given to understand that the Duke of Somerset considered that I received my nomination from his Grace,—I thought it right therefore to *apprise his Grace, that as the chapel was not endowed and consecrated, I had my nomination from the vicar of the parish*, and I understand his Grace has had some communication with Mr. Cosens on the subject. I will give immediate attention to the business, and if his Lordship wishes, I will cease to officiate in the chapel till the nomination can be procured.

I am, Sir, your very obedient servant,

Ralph Barnes, Esq.

JAMES SHORE.

Meanwhile, I had seen the new vicar, Mr. Cosens, and in conversing with him on the circumstances of his new parish, I heard with surprise that he knew nothing of his responsibility for the more populous and very im-

portant part of that parish, the hamlet of Bridgetown. He added, that if he had been aware of this circumstance, he should not have accepted the benefice. In conclusion, he said that he should take no step in the matter without consulting me; but as he was altogether a stranger to me, I gave him no encouragement to expect my advice; and on occasion of the first letter, which he afterwards wrote to me, I made him understand that he must act altogether upon his own judgment.*

In our conversation (as he has recently informed me from notes made by him) I had asked whether he knew Mr. Shore; and on his answering that "he had heard he was a very troublesome person," I abstained from making any remark whatever. In truth, of Mr. Shore's conduct at Bridgetown I had heard little; though I had conceived an unfavourable opinion of him from his proceedings elsewhere. But this unfavourable opinion would not have prevented me from accepting Mr. Cosens's nomination of him, if it had been made, and if on inquiry I had not found grounds of specific and grave objection to him.

But I declined to comply with a request of Mr. Cosens that I would allow him to remain unlicensed for an indefinite time; and in the course of the two following months, I more than once desired Mr. Cosens to state whether it was his intention to nominate

* Mr. Cosens, in a published letter, has made the following statement in reference to this matter :—

"In my first interview with Mr. Festin, the Duke's steward, towards the end of August, 1843, I promised, at his request, to apply to the Bishop on a particular point; I did so; but the Bishop's answer so effectually showed me that he would not interfere in my appointing or rejecting Mr. Shore, six weeks before that person applied to me on the 16th of October, that I never applied to his Lordship again upon the subject until I had finally rejected Mr. Shore in December of that year."

Mr. Shore. On the 9th of October, I desired an *immediate* answer, and having waited another week without receiving any answer, on the 16th of that month, being on the point of leaving home for a distant county, I wrote to Mr. Shore as follows:—

REV. SIR,

Exeter, October 16, 1843.

Having in vain waited in expectation of hearing from Mr. Cosens, that he has determined to give you a nomination, I am bound to consider you as not having his sanction for officiating in the parish of Berry Pomeroy, and therefore I am also bound to forbid your continuing to perform any clerical offices within that parish.

I am, Rev. Sir, &c.

To Rev. James Shore.

H. EXETER.

Mr. Cosens has recently placed in my hands the following memorandum of what passed between himself and Mr. Shore, in reference to this letter:—

“Oct. 16th.—Mr. Shore called, and asked for a nomination. He began, ‘I have taken the earliest opportunity of waiting upon you.’ Of course I knew this was untrue, and reminded him of the three opportunities afforded him in my three visits to Berry. He confessed to me that, had our positions been changed, he would not have nominated me without knowing anything of me. He professed the strongest attachment to the Church, and I have promised, on my return from Teignmouth, to *inquire into his character*, and to nominate him if I found I could certify, as in the nomination, that he was a *fit* person to be my curate.

“I returned from Teignmouth on Tuesday evening.

“On Wednesday morning the 18th, he came again, and said, ‘He had a letter from the Bishop, which he hoped would put an end to all difficulties, as his Lordship *wished* me to nominate him.’ I expressed my disbelief of it. He said, ‘Why, it was not exactly a wish, perhaps; but his Lordship had no objection to my nominating him.’ I said, his Lordship would have a right to object, if I *had* nominated him; and I cannot think that he would express his opinion till I had so done. ‘Pray, Sir, let me see the letter.’ He produced the letter; and it was forbidding him to officiate till he was nominated. I rebuked such an attempt at imposition; and

he then lost his temper. He told me that he was driven out of the Church ; that he could not support his wife and children if he lost the 200*l.* paid him by the Duke.* I reminded him that he might be prevented from officiating in a particular parish, but that the rest of the diocese was open to him ; and indeed, all the others. He said, that if he lost the chapel, he was sure the Bishop would not license him to any other place ; nor should he be received into any other diocese ; that he *should* officiate there without the Bishop's licence. I reminded him of his ordination vows. He said, he could not help it, as he was driven out of the Church."

Such was the memorandum made by Mr. Cosens of Mr. Shore's mode of dealing with my letter to him of the 16th of October, 1843.

On that same day I wrote to Mr. Cosens, expressing my surprise and disappointment, that after repeatedly desiring to be informed whether it was his intention to nominate Mr. Shore, I had obtained no answer ; adding, that I had in consequence prohibited Mr. Shore from officiating.

I subsequently received from Mr. Cosens a letter, dated the 16th, but which, as I had set out on my journey, did not reach me till the 21st. In this letter he still forbore expressing an intention to nominate Mr. Shore, but requested me to allow him still longer time. As I had already waited nine or ten weeks, and had issued my prohibition to Mr. Shore, I declined to withdraw it ; but I continued to intimate a readiness to receive, and give due consideration to, a nomination of Mr. Shore, whenever Mr. Cosens might think proper to make it.

A correspondence ensued between Mr. Shore and myself, of which the following are the material parts :—

* The chapel is used as a proprietary chapel ; the sittings are paid for ; the stipend of the minister being secured to him by the proprietor. I am informed that the free sittings are very few.

MY LORD BISHOP,

Bridgetown, Nov. 11, 1843.

I beg to acknowledge the receipt of your Lordship's letter of the 9th inst., received this morning, intimating that a rumour had reached your Lordship of an intention on my part to continue officiating in Bridgetown Chapel, notwithstanding the Vicar of the parish refuses to nominate me, and your Lordship on that account has forbidden me. Whether this rumour has reached your Lordship from the same quarter that I received the painful intelligence it was not your Lordship's intention to allow me to officiate again in Bridgetown Chapel, even if nominated by the Vicar, I know not; but I can assure your Lordship that nothing but necessity would induce me to take such a step, and under no circumstances should I think of adopting such a course without myself communicating to your Lordship my intention. The perusal of your Lordship's letter has led me to think, either that your Lordship has been grossly misrepresented to me, or that I must have been shamefully and cruelly slandered to your Lordship. It has been intimated by Mr. Cosens, and that to more parties than one, that the objection to my continuing to officiate at Bridgetown originated and is maintained by your Lordship, and that he should have given the nomination had your Lordship sanctioned it. Mr. Cosens has stated to the effect, that when he first learned from your Lordship that I required a new Nomination from him, without leaving him to make the inquiries he may deem necessary respecting me, and then refusing to continue my licence, should your Lordship consider the case required it, that your Lordship thought fit to communicate to Mr. Cosens such an impression respecting me, that he said it was utterly impossible for him, as an honest man, with any regard for his character, to nominate me, and that even if he did so it would only make him ridiculous and contemptible, as your Lordship would not license me. And on my telling him that my circumstances would not allow me to support my family without employment, and asking what I could do, he replied, that I may perhaps get a curacy in another diocese; whereas your Lordship well knows, that if there be valid ground of objection to my being licensed in this diocese, it is not likely that I should receive your Lordship's recommendation for another, and may therefore, consequently, remain all my days without being able again to exercise my ministry in the Establishment.

If I could find any reason or cause for this persecution, it may (might?) be different; but notwithstanding all my inquiries upon this point, I can find no other valid reason than that such is the law, which not only appears to myself, but also to many others, ex-

ceedingly oppressive and cruel ; but as I before intimated, my circumstances are such that if this course be pursued towards me, I have no other alternative but the painful one of freeing myself, as I best may, from the obligation of such legal jurisdiction. I feel my position the more distressing, for I am sincerely attached to the Liturgy and Articles of our Church, and however I may be circumstanced, I shall still, as I have hitherto done, to the best of the ability and power God has given me, labour and pray for the welfare and prosperity of the establishment. I can assure your Lordship, whatever may have been said to the contrary, that I am sincerely attached to the establishment, and although I may now be *placed in a position to withdraw not only without temporal loss, but also with the prospect, which I had not before, of permanence*, yet I cannot sever myself from your Lordship's jurisdiction without pain and reluctance. If, however, the alternative be the shutting up of Bridgetown Chapel, the dispersing of the congregation, to which from various ties I should be ungrateful indeed, were I not sincerely attached, and also the leaving of my family in destitute circumstances, and all this for no fault on my part, that I can learn, I must candidly confess to your Lordship, that I shall feel it my duty under such oppressive, and I feel I may say cruel proceedings, severe and painful though the trial may be, yet I shall avail myself of *the kind permission of his Grace, for which indeed I can never be too thankful*, and shall, notwithstanding the difficult pressure of reluctance, still continue to minister to those whom I love, and by whom I have now had such demonstrative proof that I am sincerely loved.

As they have followed me in prosperity, so they have not, and I am sure will not, forsake me in adversity. I cannot but hope, however, that the present course will not be persevered in towards me. I hope this, not only on my own account, but for the Church and common Christianity ; but if I am doomed to disappointment, I shall at least be consoled by the reflection that the painful alternative is forced upon me, and though censured on earth my record will be on high, and I shall leave without self-condemnation the final result to that God who "judgeth not according to appearance, but judgeth righteous judgment." With your Lordship, therefore, it remains to decide what my future course will be.

I take this opportunity also of bringing another subject——

I have, &c.

(Signed) JAMES SHORE.

Bishop of Exeter to Rev. James Shore.

REV. SIR,

Bishopstowe, Nov. 13, 1843.

I have received your letter of the 11th. There are parts of it, which, if it were necessary to consider it as deliberately written, would make it impossible for me to hold any communication with you as a clergyman, or even as a member of the Church: I allude especially to your threat, that if you are not licensed to officiate at Bridgetown, you "shall avail yourself of the kind permission of the Duke of Somerset, for which you can never be too grateful, and shall continue to minister there," and (as you also say) without any one's permission, elsewhere. The law of the Church and State, which forbids such a course, you characterize as cruel, and therefore you feel yourself at liberty to set it at nought. Now, I am willing to make allowance for irritation caused by the pressure of adverse circumstances, and I permit you to withdraw that letter; and to leave your case as if it had not been written. In order too that you may the more clearly judge of the real hardship which the law inflicts, I will state what it is, and how it affects both your position at Bridgetown and the Duke of Somerset's right to grant you permission to officiate there as a clergyman. But I am bound by my respect for his Grace to express my confident belief that there must have been some very great misapprehension of his meaning, when you announce to me that he has given you the permission which you mention.

The law is this—as the Incumbent of every parish has the cure of the souls therein, no person whatever, not even the Bishop, can authorize any clergyman to minister in any way in the parish, without the express consent of the Incumbent.

Such briefly is the law; now for the facts of this case—

(After stating the communications with the Duke of Somerset—)

On the recent vacancy of the vicarage of Berry Pomeroy, it was discovered that you had not had a nomination, and had been, consequently, without a licence during the incumbency of Mr. Brown. I desired Mr. Barnes to write to you on the necessity of your having a nomination from the new vicar, and was informed by him (if my memory does not deceive me) some considerable time afterwards, that you had not answered or acknowledged his letter. I cannot go into the details of matters, with some of which I am utterly unacquainted, and of others very imperfectly informed in respect to Mr. Cosens' statements. Thus much, however, I will say, that if he had nominated you, I should not then have refused to license you,

without giving to you full opportunity of vindicating yourself against anything that may have appeared unfavourable, or may have been stated to your disadvantage. I will add further, that if you withdraw your letter of the 11th—*not else*—I authorize you to state to Mr. Cosens that his nominating you would not before have given, nor will now give, the slightest personal offence to me. It is a matter in which he ought to be guided, and I wish him to be guided, solely by his own conscientious judgment (informing himself by due inquiry respecting your doctrine, conduct, and sentiments, in the place and neighbourhood where you have lived), whether you are a proper person to be nominated by him to the charge of so large a portion of the flock committed to his care. If he decides that you are, and shall nominate you to me accordingly, you may rely on my not refusing to license you—without doing full justice to you; in other words, without giving you full liberty and opportunity to answer anything which may be suggested against you.

I am, Rev. Sir, your obedient servant,

Rev. James Shore.

H. EXETER.

MR LORD BISHOP,

Bridgetown, Nov. 23, 1843.

I had hoped that I had shown, what I really feel, a sincere desire to meet the wishes of your Lordship. It is my misfortune to have most deeply to regret, when it was intimated to me that I was virtually excluded from ministering in the establishment, that my circumstances should be such as to compel me to act contrary to my expressed wishes under that impression, or indeed that I should have acted at all under it as being correct, and have written my letter to your Lordship of the 11th without first applying to your Lordship on the subject. I can assure your Lordship, however, that I have never considered it otherwise than as contrary to my duty, as a minister of the establishment, to officiate in Bridgetown without your Lordship's licence; and as it appears (for which I am truly sorry) that my letter to your Lordship of the 11th conveyed a contrary impression, I cannot of course have the slightest objection, but am most willing to subscribe the declaration proposed, that I request your Lordship's permission to withdraw my letter to your Lordship of the 11th instant, because I see and acknowledge that my continuing to exercise my ministry in Bridgetown without the licence of my Bishop is contrary to my duty as a minister of the Church.

I have the honour to remain, my Lord Bishop, your Lordship's very obedient humble servant,

To the Right Rev.
The Lord Bishop of Exeter.

(Signed)

JAMES SHORE.

MY LORD BISHOP,

Bridgetown, Nov. 24, 1843.

Since despatching my last letter to your Lordship, it has occurred to me whether I fully apprehended your Lordship's meaning. Your Lordship expresses surprise that as a presbyter of the Church I should express my anxiety to continue my connection with the establishment; but surely the reason of my so expressing myself ought not to be forgotten. I had been given to understand, whether right or wrong, that I was virtually excluded from ministering in the established Church, and, whether I expressed it or not, I certainly have felt and do feel anxious to retain that connection. Indeed I can assure your Lordship that I have gone through *that* in this painful business, which, if my family were above circumstances of absolute need, I would not go through for the best preferment in the kingdom. If there were no other reason, the alternative to me would be most distressing, that of either leaving the establishment or leaving my family in absolute want. I have not the slightest hesitation in saying, what I have always maintained, that, with my views of the Church, it would be inexcusable indeed under ordinary circumstances to think of officiating apart from your Lordship's jurisdiction; but I fully considered from what I had been told as coming from your Lordship, that I was virtually excluded from ministering in the established Church, and it was under such circumstances alone that I contemplated officiating without your Lordship's licence, rather than leave my family in want; and I am satisfied there is not a clergyman in your Lordship's diocese, whatever may be professed, but must feel in a fearful strait under such circumstances. No one, indeed, can tell the feeling without being placed, and that with a sickly body, in my position.

I beg to apologise for again trespassing on your Lordship's attention, and I have the honour to remain, my Lord Bishop, your Lordship's very obedient humble servant,

To the Right Rev.
The Lord Bishop of Exeter.

(Signed)

JAMES SHORE.

REVEREND SIR,

Bishopstowe, Nov. 25, 1843.

I yesterday received your letter of the 23rd, withdrawing your letter of the 11th instant, and making the declaration which I found it necessary to require.

I have this day received your letter of the 24th, in which, notwithstanding your declaration that "you see and acknowledge it to be contrary to your duty as a minister of the Church to continue to officiate in Bridgetown without your Bishop's licence," you say that you contemplated doing what you thus acknowledge to be contrary

to your duty "rather than leave your family in want." You add that "you are satisfied there is not a clergyman in my diocese, whatever may be professed, but must feel in a fearful strait under such circumstances."

I have no doubt that every clergyman in this diocese would "feel in a fearful strait under such circumstances," but I have also no doubt that very few indeed would adopt that part of the alternative which you avow that you contemplated adopting; they would almost all, I hope, by the grace of God, have too deep a sense of their duty to the great head of the Church, and too much faith in Him, to act deliberately under any pressure in a manner which they know to be contrary to their duty as his ministers. I might dwell on this matter, and should feel myself bound to dwell upon it if I did not confidently hope that what I have said must be enough; I spare you therefore, and will give you, as I promised, the benefit of the declaration which you have made.

You may state to Mr. Cosens what I authorized you to state to him in my letter of the 13th instant; it was to this effect, "that I have no personal feeling whatever in the case; that if, after making what he shall think due inquiry, he shall consider you a fit person to whom he may entrust the spiritual instruction of a large and important part of the people, the care of whose souls was committed to him at his institution," I shall receive his nomination with full confidence that he has conscientiously given it, and shall then proceed to make more particular inquiries than I have yet thought it necessary to make into your conduct and doctrine. These inquiries will be made by me with no prejudice or prepossession which shall prevent me from doing full justice to you, or from granting your licence if I find you deserving of it.

I am, Rev. Sir, your obedient servant,

To the Rev. James Shore.

(Signed)

H. EXETER.

MY LORD BISHOP,

Bridgetown, Nov. 28, 1843.

I have received your Lordship's letter of the 25th instant, and beg to observe that the "fearful strait" I contemplated was not whether I should leave my family in want or act contrary to what I deemed to be my duty as a minister of Christ, for this I trust no consideration would induce me to do, but whether, under the trying circumstances of the case, not being as I thought permitted to minister in the establishment, I should leave them in want rather than leave the establishment, there being no charge against me. It might and doubtless would have been better to have left

the matter in faith and prayer entirely to God, committing it altogether to Him to order my way without at all contemplating future contingencies. I can assure your Lordship, however, that it has been and is my earnest prayer and desire to know my duty in this matter and act accordingly.

I have the honour, &c.

To the Right Rev.
The Lord Bishop of Exeter.

(Signed) JAMES SHORE.

Soon after this correspondence between Mr. Shore and myself, the following letters passed between Mr. Cosens and the Duke of Somerset (without any previous communication with me on the part of Mr. Cosens):—

MY LORD DUKE,

Vicarage, Berry Pomeroy, Dec. 19, 1843.

It is with the greatest pain and regret that I have found it quite impossible, with any regard to the spiritual care of this parish, to certify that Mr. Shore “is a *fit* person to be licensed to the chapel of Bridgetown.” I think it my duty, therefore, to say that I am quite ready to nominate any curate appointed by your Grace, whose views and practices afford me a fair hope of carrying on the duties of the parish, for which I alone am responsible, with advantage to the people committed to my care. Or should your Grace wish to delay any such appointment, I am perfectly willing, in addition to my two full services here, to perform an evening service in the chapel, every Sunday for a time, without fee or reward. I beg to observe that each of these offers was distinctly made by me, and intended for your Grace’s consideration, from six weeks to two months since. Lord Seymour suggested that I ought to provide for the chapel; let the matter therefore, if your Grace pleases, be put upon that ground, and I am willing to enter into any engagement to resign the chapel into your hands or those of your representatives whenever it shall be required. I will only add, that I am ready to afford your Grace all reasonable explanation upon the subject of the chapel, should you desire it, and that I am, with great respect, your Grace’s very faithful servant,

To His Grace
The Duke of Somerset.

W. B. COSENS.

SIR,

Brighton, Dec. 31, 1843.

Your obliging letter of the 19th instant duly reached me, and I have always regretted extremely that any difficulties should

have arisen with regard to the performance of Divine Service in the chapel at Bridgetown. Indeed, the prohibition came upon me like a clap of thunder; and I have not, to this day, been able to comprehend the reason of it. But as you are so good as to offer me some explanation, in case I should desire it, I must avail myself of the intended favour; for, after all the correspondence that, I am told, has passed upon the subject, and the different conjectures that have been suggested, I am at a loss to know why you refuse to nominate Mr. Shore, whether it be in regard to doctrine or character, or with respect to what other cause your objection has arisen.

I have to thank you for the civility of the various proposals contained in your letter, and I have the honour to be, Sir, with much respect, your faithful servant,

To the Rev. W. B. Cosens.

SOMERSET.

MY LORD DUKE,

Vicarage, Berry Pomeroy, Jan. 8, 1844.

I had the honour of receiving your very kind letter, just as I was on the point of leaving home to attend the Quarter Sessions. The congregation, nearly half of whom were Dissenters from Totnes, were as nearly unchurched as I could imagine possible. Of the leading partisans of Mr. Shore one, I am told, had been the clerk in a dissenting meeting-house, another a well-known Dissenter, and a third, who was a Churchman, boasts that he advised Lord Seymour to get a first-rate Dissenting preacher to serve the chapel. These and all that party attend the meeting-house, though Totnes Church is within one hundred yards of it, and is not half full, and the general tone of their language, as far as I have heard it, is the grossest reviling of my predecessor, as *good* a man as ever lived, joined to an open expression of their desire that the chapel should be opened without the authority of the Bishop, in short, as a meeting-house. Many of the congregation who have remained true to the doctrines and discipline of the Church, regarded the chapel as a means by which the Church was made to give place to the meeting-house; and this they especially recognised in their minister's omitting, at the bidding of some Dissenters, the term "religious" before the words "gracious Queen" in the prayer for the Parliament; at a former period, I am most credibly informed, the Communion Service was *repeatedly* omitted, though Mr. Shore took especial care to inform me that he had left it out *once*. These sentiments expressed to me by Mr. Shore rendered it impossible for me to say that "I believe him to be a fit person to be licensed to the chapel." If the only alternative to nominating

Mr. Shore were the resignation of the living, I should consider it my duty to take that course, rather than become an instrument to betray the interests of the Church, or to commit a suicide upon my character as a clergyman."

On the 16th of February Mr. T. Micheltore, *as agent of the Duke of Somerset*, did what Mr. Cosens had thus informed his Grace the dissenting portion of the congregation at Bridgetown urged Lord Seymour, then representative of the borough in Parliament, to do: he certified the building under the provisions of 52 Geo. III., c. 155, "as a place of meeting of a congregation for religious worship of Protestants."

This extreme measure was taken without even waiting for the issue of a correspondence, which was still passing between Mr. Shore and Mr. Cosens respecting Mr. S.'s nomination to the chapel. On the 28th of February Mr. Shore addressed to me the following letter, enclosing the correspondence to which it referred:—

MY LORD BISHOP,

Bridgetown, Feb. 20, 1844.

I beg to enclose for your Lordship's perusal the correspondence which has passed between Mr. Cosens and myself on the subject of Bridgetown Chapel; and I take the opportunity also of informing your Lordship, that it being found impossible to obtain your Lordship's sanction or licence for me to resume my duties, Bridgetown Chapel has been licensed apart from your Lordship's jurisdiction; and as I cannot think it right, particularly under present circumstances, to leave my congregation, to whom I am sincerely attached, or to allow them to continue without the public ordinances of religion now I have it in my power to resume my ministrations among them, I feel under the painful necessity of stating to your Lordship that, as your Lordship's sanction cannot be obtained, I can no longer consider it as contrary to my duty to officiate in Bridgetown Chapel without further licence from your Lordship. Indeed, as the chapel is now licensed apart from your Lordship's jurisdiction, I am given to understand that further licence from your Lordship is unnecessary.

Although I cannot but be deeply grieved at the lamentable result of this affair, yet I am consoled by the reflection that, as I am altogether ignorant of any reason for the opposition so unjustly maintained against me, so I have done all in my power to prevent the painful alternative which has been forced upon me.

I have the honour, &c.

To the Right Rev.
The Lord Bishop of Exeter.

(Signed) JAMES SHORE.

Now from all this it is manifest, if there be any hardship in Mr. Shore's case, that the cry which has been raised of his having been persecuted for *conscientiously dissenting from the Church* is absolutely without foundation, is contradicted by his own statements. For it is manifest that he not only did not profess to dissent from the Church, but that he professed the very contrary—that he vaunted his adherence to its Articles and its Liturgy—expressed his warm attachment to it—claimed to be its minister up to the very last hour, when he renounced obedience to its laws—laws which he was under the most solemn vow to obey—simply and solely because his Bishop would not—rather, indeed, *could* not—make them bend to Mr. Shore's convenience.

About this time the following handbill was circulated at Bridgetown :—

NOTICE.

The Bridgetown Chapel, having been duly registered in the Court of the Archdeacon of Totnes, will be again opened for Divine Service, under the ministry of the Rev. James Shore, on Sunday next, at the usual time, a quarter before 11 o'clock.

THOS. MICHELMORE, *Agent to the Duke of Somerset.*

As I could not but consider the course thus taken to be in direct violation of the engagement, on the faith of which I had licensed the building, and as Mr. Shore was now acting in open defiance of the duty

which he had himself acknowledged as a minister of the Church, I desired Mr. Barnes to institute those proceedings which have been the pretext for so loud a clamour. That they have been very costly is owing to the course obstinately and vexatiously pursued by Mr. Shore. When, in the outset, the Commissioners pronounced that there was a *primâ facie* case against him, the Chancellor, who presided, strongly advised him to submit, and to save himself from the consequences of a protracted and hopeless suit. If he had acted on that advice, and if, proclaiming himself a Dissenter, he had sought to be released from the obligations under which he lay, he would have been speedily released, and with little or no cost to any one.

Instead of this, he made it necessary that articles should be filed against him ; and in resisting those articles he had recourse to the most vexatious and expensive process, applying to the Court of Queen's Bench for prohibition. And, after failing in this application, and being sentenced in the Court of Arches, appealing against that sentence to the Judicial Committee of Privy Council. And all this without the slightest reasonable prospect of success.

Foiled in all his legal attempts, he commenced a tour of agitation, in which, during two or three years, his Bishop was made the object of the most rancorous abuse at public meetings in almost every great town in England and even in Scotland. I follow him not through any of the unfounded statements ascribed to him in speeches which may have been reported incorrectly, but confine myself to a published letter, subscribed with his name, in which is the following sentence :—

“ An offer was made likewise to have the chapel endowed and consecrated, provided I might continue the minister, but all to no

purpose. As all other means, therefore, failed, the chapel was licensed under the Toleration Act."

This assertion is utterly untrue. No such offer was made—no offer of endowment *by the Duke* was indeed ever made on any condition whatever. If an offer of endowment on any lawful condition had been made, it would have been most readily accepted; and if, when the building was endowed and consecrated, his Grace, in the character thus acquired of patron, had nominated to me Mr. Shore as Minister, I should have had as little inclination as right to refuse to license him. I might have deemed it necessary to make inquiries respecting him; but this would have been done not only under my own sense of justice, but also under the responsibility, if I refused him without sufficient cause, of legal proceedings against myself.

But I have done. After so long a course of obloquy heaped upon me in almost every part of Great Britain as the persecutor of a poor Curate, whose only crime was obedience to the dictates of his conscience, it is well that the true character of that persecution, and of that conscience, should be accurately understood; neither is it otherwise than well, that a portion of the funds so perseveringly sought, and doubtless so liberally given at all those meetings to defray Mr. Shore's expenses, should be claimed in payment of the costs which had been awarded against him. I gave no direction for enforcing the decrees of the Courts in this particular; but neither did I feel myself called upon to prevent their being enforced.

Upon the whole, painful as the proceeding has been, I regard it as one of the trials to which all who attempt to do their duty in administering the discipline of the Church, are, in these days, necessarily exposed. That

it will not make me less ready to discharge this duty in future, I hope I need not give any assurance. On the most awful occasion of my life, at my consecration to the high office which, however unworthy, I hold in the Church of Christ, I was asked by your Grace's predecessor, whether "such as be unquiet, disobedient, and criminous, within my Diocese, I will correct and punish according to such authority, as I have by God's word, and as to me shall be committed by the ordinance of this realm." I answered then, and on my bended knees I answer now, "I WILL SO DO, BY THE HELP OF GOD."

I am, my Lord Archbishop,

Your Grace's most dutiful

And most faithful Servant,

H. EXETER.

POSTSCRIPT.

THE Charge against Mr. Shore was, *not for acting as a Dissenting Minister*, but that, being “a Priest or Minister in Holy Orders of the Church of England, although the Bishop did strictly enjoin and charge him to abstain from further performing the office of Minister of the Chapel or Building” in Bridgetown, he did “publicly read prayers, preach and perform Divine Service, *according to the Rites and Ceremonies of the United Church of England and Ireland*, in the said unconsecrated Chapel or Building, *contrary to, and in spite of, the aforesaid injunction.*”

The injunction Mr. Shore admitted ; but he “*made oath* and said that *he had nowhere officiated as a Clerk in Holy Orders of the United Church, &c.*, but had constantly, since the service of the said monition or prohibition, officiated as a Protestant Dissenting Minister in Holy Orders, and as a Preacher or Teacher of a Congregation of *Dissenting* Protestants, in a Chapel or Place of Religious Worship of *Protestant Dissenters* at Bridgetown (duly certified), and although he hath availed himself (as many other Protestant Dissenting Ministers are accustomed to do) of the forms of Prayer contained in the Book of Common Prayer, according to the use of the United Church, &c., yet he hath so done, not as conforming to the said Book, but *with certain variations.*” Notwithstanding Mr. Shore had so “made oath and said,” his counsel defended him, as if he had acted as a *Clergyman of the Church*, and only as it was his duty to act *in that character.*

Sir J. Dodson.—“There is not sufficient proof of the articles upon which to found a sentence. The proof

extends no further than to reading the Book of Common Prayer, which is no ecclesiastical offence; on the contrary, it is obligatory upon clergymen to do so." Upon which *Sir Herbert Jenner Fust*, in pronouncing judgment, said, "The argument of the learned counsel for Mr. Shore has been matter of surprise to me; for it goes to this extent, that any *Minister of the Church of England* is at liberty to go into any house he may think proper, to preach and read prayers there"—in short, "that *Mr. Shore had only acted in compliance with the Rubric.*"

He then stated the evidence of two witnesses, proving that on one occasion Mr. Shore had "performed the whole of the Morning Service according to the Liturgy of the Church of England, as set forth in the Book of Common Prayer, *without any deviation,*" and on another occasion had performed the same Service with "no deviation, except the addition of a few explanatory words in the Epistle,* which Mr. Shore put in after the word 'Abba,' which, he said, being interpreted, means 'Father.' And," (Sir Herbert continues) "an interrogatory is put to this witness, whether there were not deviations from the Book of Common Prayer, as if to show that Mr. Shore was not officiating as a Minister of the Church of England. The witness, however, says he observed no other deviation."

Whereupon the Court "pronounced that the articles had been sufficiently proved, and admonished Mr. Shore to abstain from offending in like manner again; and condemned him in the costs."—*Barnes v. Shore*, Ecclesiastical and Maritime Causes, v. 593.

* For the *Eighth Sunday after Trinity.*

